



Order Filed on October 24, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

McMANIMON, SCOTLAND& BAUMANN, LLC

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(609) 695-6070

Andrea Dobin, Esq.

Attorneys for Thomas J. Orr, Chapter 7 Trustee

In re:

GARDEE, Raphael S.,

Debtor.

Case No. 20-13167 (KCF)

Honorable Kathryn C. Ferguson, U.S.B.J.

Chapter 7

**CONSENT ORDER AUTHORIZING SALE OF
CO-OWNER'S INTEREST PURSUANT TO 11 U.S.C. § 363(h)**

The relief set forth on the following pages numbered two (2) through three (3) is hereby

ORDERED.

DATED: October 24, 2022

A handwritten signature in black ink, appearing to read "Kathryn C. Ferguson", is written over a horizontal line.

Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

Page 2 of 3

Debtor: Raphael S. Gardee

Case No. 20-13167 (KCF)

Caption of Order: Consent Order Authorizing Sale of Co-Owner's Interest Pursuant to 11 U.S.C. § 363(h)

THIS MATTER, having been presented to the Court by Thomas J. Orr, the Chapter 7 Trustee (the “**Trustee**”) for Raphael S. Gardee, Chapter 7 debtor (“**Debtor**”), by and through his counsel, McManimon, Scotland & Baumann, LLC, upon the filing of an Application for Entry of Consent Order; and the Court noting the consent of the parties to the form, substance and entry of the within Order;

IT IS HEREBY ORDERED that the Trustee is authorized to sell the interests of Genya Daukshta (“**Daukshta**”) in the real property commonly known as 161 Pleasant Valley Rd., Titusville, New Jersey (the “**Property**”), together with the interest of the within Bankruptcy Estate, pursuant to 11 U.S.C. § 363(h); and it is

FURTHER ORDERED that if Daukshta intends to exercise her right of first refusal afforded to her pursuant to 11 U.S.C. § 363(i) she must do so by way of objection to the Trustee's Motion to sell the Property at which time the contract purchaser will be given the opportunity to increase its bid triggering Daukshta's right to exercise her right of first refusal anew until such time as the bidding ceases; and it is

FURTHER ORDERED that Daukshta's failure to object to the Trustee's motion to sell the Property will be deemed a waiver of her right of first refusal; and it is

FURTHER ORDERED that upon the sale of the Property, Daukshta will be entitled to fifty percent (50%) of the net proceeds, after payment of liens, if any, that are against the real estate for which both owners are liable, real estate agent commissions and costs of sale pursuant to 11 U.S.C. § 363(j) which payment will be made as soon as practicable following closing on the sale of the Property.

Page 3 of 3

Debtor: Raphael S. Gardee

Case No. 20-13167 (KCF)

Caption of Order: Consent Order Authorizing Sale of Co-Owner's Interest Pursuant to 11 U.S.C.
§ 363(h)

The undersigned consent to the form, substance and entry of the within Order.

**McMANIMON, SCOTLAND
& BAUMANN, LLC**

Counsel to Thomas J. Orr, Chapter 7 Trustee

Dated: 10/13/22

By: /s/ Andrea Dobin
Andrea Dobin

**LAW OFFICES OF WILLIAM SANDERSON,
LLC, Counsel to Co-Owner Genya Daukshta**

Dated: 10/13/22

By: /s/ William B. Sanderson, Jr.
William B. Sanderson, Jr.

In re:
Raphael S Gardee
Debtor

Case No. 20-13167-KCF
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Oct 24, 2022

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 26, 2022:

Recip ID	Recipient Name and Address
db	+ Raphael S Gardee, 161 Pleasant Valley Rd, Titusville, NJ 08560-2104

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 26, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 24, 2022 at the address(es) listed below:

Name	Email Address
Amar Anand Agrawal	on behalf of Creditor Fulton Bank NA aagrawal@egalawfirm.com, alapinski@egalawfirm.com, jwingfield@egalawfirm.com
Andrea Dobin	on behalf of Trustee Thomas Orr adobin@msbnj.com cgallo@msbnj.com
Andrew Sklar	on behalf of Creditor Rainforest Distribution andy@sklarlaw.com kathleen@sklarlaw.com
Candyce Ilene Smith-Sklar	on behalf of Defendant Raphael S Gardee njpalaw@gmail.com r56958@notify.bestcase.com
Christian Del Toro	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION cdeltoro@martonelaw.com, bky@martonelaw.com
Denise E. Carlon	on behalf of Creditor PNC Mortgage a Division of PNC Bank, National Association dcarlon@kmlawgroup.com,

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Oct 24, 2022

Form ID: pdf903

Total Noticed: 1

bkgroup@kmlawgroup.com

Frank J Martone

on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bky@martonelaw.com

Keith David Sklar

on behalf of Defendant Raphael S Gardee mail@njpalaw.com

Margaret Mcgee

on behalf of Plaintiff Andrew R. Vara maggie.mcgee@usdoj.gov

Margaret Mcgee

on behalf of U.S. Trustee U.S. Trustee maggie.mcgee@usdoj.gov

Rebecca K. McDowell

on behalf of Creditor Eastern Funding LLC rmcowell@slgcollect.com anovoa@slgcollect.com

Thomas Orr

on behalf of Trustee Thomas Orr tom@torrlaw.com Torr@ecf.axosfs.com

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Thomas J Orr

on behalf of Trustee Thomas Orr tom@torrlaw.com xerna@aol.com;orrtr87054@notify.bestcase.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

William B. Sanderson, Jr.

on behalf of Interested Party Genya Daukshta wsanderson@williamsandersonlaw.com
kbrand@spearwildermander.com;r59081@notify.bestcase.com;b.wr78636@notify.bestcase.com

TOTAL: 16